

Notice of Allowability

Application No.

10/813,195

Examiner

Nasser Ahmad

Applicant(s)

LUHMANN ET AL.

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/22/2006 and 6/19/2006.
2. ☒ The allowed claim(s) is/are 1/17.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Claim 1, line 19, the phrase "difunctional polyisocyanates" has been corrected by the phrase - - one difunctional polyisocyanate- - as mentioned in specification, page-8, line 10. If applicant disagrees with the correction, applicant should consider filing a response under 37 CFR 1.312.

ABSTRACT

2. The Abstract filed on 3/30/2004 has been replaced with as provided on an attached separate page herewith.

REJOINDER OF WITHDRAWN CLAIMS

3. Claims 1-13 and 15-17 are directed to an allowable product. Pursuant to the procedures set forth in MPEP § 821.04(B), claim 14, directed to the process of making or using an allowable product, previously withdrawn from consideration as a result of a restriction requirement, claim 14 is hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Because all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, the restriction requirement as set forth in the Office action mailed on

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2/3/2006 is hereby withdrawn. In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claims including all the limitations of an allowable product claim or rejoined process claim are presented in a continuation or divisional application, such claims may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

TERMINAL DISCLAIMERS

4. The terminal disclaimers filed on 5/22/2006 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent Application Serial Nos. 10/815894, 10/826965 and 10/816277 have been reviewed and is accepted. The terminal disclaimer have been recorded.

REASONS FOR ALLOWANCE

5. The following is an examiner's statement of reasons for allowance:
a review of applicants' arguments in amendment filed on 5/22/2006 and 6/19/2006, and a review of the instant amended claims has convinced the examiner that the claims are allowable over the prior art of record. The prior art fails to teach or suggest a single-sidedly or double-sidedly pressure-sensitively adhesive, elastic adhesive sheet comprising at least one layer of a pressure-sensitive adhesive, and having a maximum

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stretchability of more than 200% and a recovery of more than 60% after stretching to 2/3 of its maximum elongation, said pressure-sensitive adhesive (PSA) being based on a chemically crosslinked polyurethane, wherein the starting materials for the chemically crosslinked polyurethane include at least one isocyanate-reactive substance having a functionality of more than 2.0, in an amount of at least 5% by weight, based on the weight of the polyurethane composition, where the molecular weight of at least one of the starting materials used to form the polyurethane is being greater than or equal to 1000, at least one difunctional polyisocyanates are being used to form the polyurethane, and the ratio of maximum tensile stress to stripping stress is of said elastic adhesive sheet being more than 1.2, and the tensile stress at an elongation of 200% is being not more than 2.0 N/mm.². Also, no evidentiary support could be provided to support the position that the claimed invention would have obvious to one having ordinary skill in the art.

The closest prior art of SCHUMAN teaches a polyurethane-based PSA sheet. However SCHUMAN fails to teach the stretchability of more than 200%, the ratio of the tensile stress to stripping stress being more than 1.2, and that the tensile stress is not more than 2.0 N/sqmm at 200%elongation.

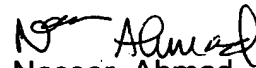
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 571-272-1487. The examiner can normally be reached on 7:30 AM to 5:00 PM, and on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Nasser Ahmad 7/20/06
Primary Examiner
Art Unit 1772

N. Ahmad.
July 20, 2006.

ABSTRACT

A single-sidedly or double-sidedly pressure-sensitively adhesive, elastic adhesive sheet comprising at least one layer of a pressure-sensitive adhesive, and having a maximum stretchability of more than 200% and a recovery of more than 60% after stretching to 2/3 of its maximum elongation, said pressure-sensitive adhesive (PSA) being based on a chemically crosslinked polyurethane, wherein the starting materials for the chemically crosslinked polyurethane include at least one isocyanate-reactive substance having a functionality of more than 2.0, in an amount of at least 5% by weight, based on the weight of the polyurethane composition, where the molecular weight of at least one of the starting materials used to form the polyurethane is being greater than or equal to 1000, at least one difunctional polyisocyanates are being used to form the polyurethane, and the ratio of maximum tensile stress to stripping stress is of said elastic adhesive sheet being more than 1.2, and the tensile stress at an elongation of 200% is being not more than 2.0 N/mm.^{sup.2}.